

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1014 of 2025

Arising Out of PS. Case No.-61 Year-2010 Thana- DHORAIYA District- Banka

Sobha Devi W/o- Sh. Jagat Razak Resident of village- Babura Ps- Dhankund
District-Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mrs. Archana Jha, Advocate

For the Respondent/s : Mr. Dr. Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR SINGH
ORAL ORDER

3 06-04-2026 Heard learned counsel for the petitioner and learned
APP appearing on behalf of the State.

2. The instant Criminal Revision under Section 438 read with Section 442 of BNSS has been preferred by the petitioner, Sobha Devi against the judgment and order of her conviction dated 20.09.2014 passed by the learned Judicial Magistrate 1st Class, Banka (Trial Court) in G.R. Case No. 1065 of 2010/ Trial No. 2636 of 2014 as well as judgment and order dated 30.07.2025 passed by learned Additional Sessions Judge, 1, Banka (Appellate Court) whereby judgment and order of conviction dated 20.09.2014 has been confirmed.

3. At the outset, learned APP appearing on behalf of the State pointed out that instant Criminal Revision has been preferred by the petitioner without surrendering.

4. Hence, Office has pointed out the defect that



surrender certificate of the petitioner has not been filed along with this.

5. Much emphasis has been given by contending that instant Criminal Revision filed on behalf of the petitioner is not maintainable without filing surrender certificate.

6. On putting query in this regard, learned counsel for the petitioner does not dispute the objection raised on behalf of the State and submits that till date petitioner has not surrendered and for that the petitioner has filed I.A. No. 1 of 2025 seeking exemption of her surrender.

7. From perusal of record, I find that one of the prayer of the petitioner is that she may be released on bail during pendency of this Criminal Revision.

8. This Court is of the view that, if the petitioner is not in jail and she is out of jail then, there is no question of granting bail to her. As such relief as sought for by the petitioner so far as prayer for bail is concerned cannot be granted at this stage.

9. At this stage, learned counsel for the petitioner submits that petitioner may be allowed to withdraw this Criminal Revision with liberty to file fresh Criminal Revision along with surrender certificate of the petitioner.

10. Learned counsel appearing on behalf of the State



does not have any objection to such prayer.

11. In view of the above, the instant Criminal Revision is dismissed as withdrawn/ not pressed with liberty as prayed for.

12. Office has directed to return the certified copy of judgment and order dated 20.09.2024 and 30.07.2025 as well as vakalatnama to the counsel for the petitioner within two days after retaining the xerox copy of the same on record.

13. It is made clear that in case fresh Criminal Revision is filed by the petitioner, this order will not come in the way in deciding the matter on its merit.

(Sanjay Kumar Singh , J)

Raj Ranjan/-

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